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Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 June 28, 2004.

<sup>29</sup>  
Constance M. Witte  
Constance M. Witte

6/29/04  
Date

2004 JUL -6 AM 11:45

RECEIVED

JUL 08 2004

OFFICE OF PETITIONS

In Re:

Serial No.: 10/709,674  
Filed: May 21, 2004  
Inventor(s): Sotoyama, Kazuyoshi, et al.  
Title: BIFIDOBACTERIUM LONGUM  
Atty Docket: SHG-030P2-319

Cincinnati, Ohio

June 28, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

07/26/2004 AKELLEY 00000008 233000 10709674

01 FC:1001 Sir: 385.00 DA 385.00 OP  
02 FC:1203 290.00 DA

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
AS A SMALL ENTITY (37 C.F.R. §1.28(c))**

On May 21, 2004, a small entity assertion was filed in this patent  
application. This assertion of small entity status in this application and the  
payment of fee(s) as a small entity were made in good faith. It has now been  
discovered that such status as a small entity was established in error.

07/07/2004 DALLEN 00000020 10709674

01 FC:1461 385.00 OP  
Adjustment date: 07/26/2004 AKELLEY  
05/24/2004 EFSPROD 00000003 233000 10709674  
01 FC:2001 385.00 CR  
02 FC:2203 145.00 CR  
Adjustment date: 07/26/2004 AKELLEY  
07/07/2004 DALLEN 00000020 10709674  
01 FC:1461 -385.00 OP

Counsel is now taking the necessary steps to comply with the submission and itemization requirements of paragraphs (c)(1) and (c)(2) of 37 CFR. -6 AM 11: 45  
§1.28, and the deficiency payment requirement of paragraph (c)(2).

<u>Fee(s) Erroneously Paid As A Small Entity</u>	<u>Fee Actually Paid As A Small Entity</u>	<u>Deficiency Owed</u>
<input checked="" type="checkbox"/> Filing Fee paid on <u>May 21, 2004</u>	\$ <u>385.00</u>	\$ <u>385.00</u>
<input type="checkbox"/> Fee for excess claims (over 20) paid on _____	\$ _____	\$ _____
<input type="checkbox"/> Fee for multiple claims paid on _____	\$ _____	\$ _____
<input type="checkbox"/> Surcharge for Missing Parts paid _____	\$ _____	\$ _____
<input type="checkbox"/> The issue fee paid on _____	\$ _____	\$ _____
<input type="checkbox"/> _____ maintenance fee (First, second or third) paid on _____	\$ _____	\$ _____
<input type="checkbox"/> _____ maintenance fee (First, second or third) paid on _____	\$ _____	\$ _____
<input type="checkbox"/> Other:		

**Total Deficiency Owed \$385.00**

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The total deficiency owed is paid as follows:

☒ Attached is a ☒ Check ☐ Money Order in the amount of \$ 385.00

2004 JUL -6 AM 11:45

☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_

☐ to Deposit Account No. 23-3000.

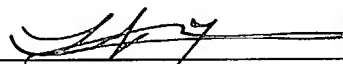
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038

**Warning:** Credit card information should **not** be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 23-3000.

A duplicate of this paper is attached.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

  
\_\_\_\_\_  
Thomas W. Flynn  
Reg. No. 21,097

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
Telephone No.: (513) 241-2324  
Customer No.: 26,875

K:\SHG\030P2\Correct Entity Status.wpd